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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,027	05/15/2001	Stephan Raymond Achs	38827-205276	3993

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EXAMINER

JONES, DAVID B

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 06/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/786,027

Applicant(s)

ACHS ET AL.

Examiner

David B Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the limitation, "comprising a joint body and a joint receiver, which extend substantially crosswise to the longitudinal direction of the energy line guide chain, with a joint body of a chain link engaging a joint receiver of an opposite link plate", is incomplete and indefinite. It has not been pointed out that the joint body lies on one end of the link and the receiver on the other and that the joint body of one link engages the receiver of the adjacent link, etc. Amplification in the claim is required. Further in claim 1, "the partially overlapping link plates" lacks antecedent basis. Finally the last 5 lines of claim 1 are contradictory to that of the disclosure. The claim calls for: "the joint body (6, 26, 42) comprises two diametrically opposite outer surface areas (18) and the joint receiver (7,27,46) two diametrically opposite inner surfaces (19). The specification on the other hand and contrary to the claim calls for on page 18, lines 4 and 5, a joint body having an inner surface 19 and the joint receiver having an outer surface 18. The claim calls for the inner and outer surfaces to be the only surfaces to "lie against each other" whereas the specification calls for them to be spaced to form a "crescent-shaped" gap (page 18, line 7). Correction is required. In claim 2, "the normal lines" lack antecedent basis and render the claim indefinite as to its meaning. Claim 5 fails to positively recite structure to provide the claim movement; the

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limitation "adapted" fails to positively recite such structure. In claim 7, "its free end" lacks antecedent basis. In claim 8, it is not clear the location of the cavity nor its use and the limitation, "with a play" is not clearly understood. In claims 10 and 11, reference to "the portion and the portion" renders the claim indefinite in that it is not clear the antecedent basis of each "portion". In claim 12, it is not clear what makes for "two spaced-apart outer joint axes". Further "the joint axes", line 5 of claim 12, lacks clear antecedent basis. Finally in claim 12, "whose overall extension" renders the claim indefinite and unclear. In claim 13, "in a stretched state" renders the claim indefinite and is unclear in nature. Further in claim 13, "in a curve region" is indefinite and unclear. In claim 14, "its one end" lacks antecedent basis and "a film hinge" is indefinite and unclear. In claim 15, "the region of the film hinge" lacks antecedent basis, "a closed position" has not been defined, and "an edge of the link plate" is indefinite and undefined. In claim 17, "its one end" and "its other end" lack clear antecedent basis. The limitation, "designed and constructed" is indefinite and unclear. In claim 18, the limitation "in particular" renders the claim indefinite. Further the term "adapted" is vague and indefinite. Claims 19-29 have not been treated herein but contain the same type indefinite and unclear limitations as the claims treated supra and should be reviewed and amended into proper claim form.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The claim 4 embodiment has not been disclosed in the specification.

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3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show that claimed in claim 4, i.e., the joint body being oval and the receiver being cylindrical.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. Claims 1-29 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

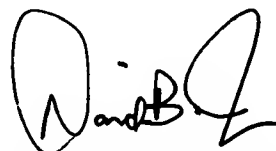
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. JONES whose telephone number is (703) 308-1887.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

In the event that the Applicant(s) wishes to communicate via Fax, the current Fax number for Group 3700 is (703) 305-3579

DBJ



DAVID B. JONES  
PRIMARY PATENT EXAMINER  
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